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A Dual Purpose

The *Mishnah* had stated that he (the finder of a lost article) can spread out the item for its needs, but not for his honor.

The *Gemora* inquires: May he do it for both - for his needs and the needs of the item? The *Gemora* attempts to answer this question from our *Mishnah*. The *Mishnah* states: He can spread it out for its needs. This implies that he may not do so when it is also for his needs. However, the end of the *Mishnah* states: He cannot do so for his honor. This implies that if it is also for the needs of the object, he may do so. We therefore cannot deduce the answer from our *Mishnah* (as the implications contradict each other).

The *Gemora* attempts to answer this question from a *Baraisa*. The *Baraisa* states: He should not spread it out on a bed or on pegs for his needs, but he may do so for its needs. If he has guests, he should not spread it out whether it is for his needs or its needs. [*This clearly implies that for both needs it is forbidden!*]

The *Gemora* answers: That case is different, as he is essentially burning it, as he is opening it up to either an evil eye or tempting people to steal it (i.e. one of the jealous guests).

The *Gemora* attempts to resolve this question from a *Baraisa*. The *Baraisa* states: If he put it (a red heifer) into a team of cows and she ended up threshing, it is still valid to be used as a red heifer. If he put it there so that it

should nurse and thresh, it is invalid. In this case, he is doing this both for its needs and his needs, and it is invalid! [*This clearly implies that for both needs it is forbidden!*]

The *Gemora* answers: The case of a red heifer is different, as the verse says, “*That it was not worked,*” implying it cannot have been worked in any way.

The *Gemora* asks: If this is the case, then even in the first case of the *Baraisa*, it should become invalid!?

The *Gemora* therefore says that a better comparison is to the following *Mishnah*. The *Mishnah* states: If a bird rested on top of the red heifer, it is valid. If a male cohabited with it, it is invalid. Why? Rav Pappa explains: If the verse would be written as “*Ubad*” (with a *Vav*) and be read this way, we would say that indeed, any type of work done to it, even if it just happens, would make it invalid. If it would be written “*Avad*” (without a *Vav*) and read this way, we would say that it would become invalid only if he did work with it. Now that the verse is written without a *Vav* but pronounced “*Ubad,*” we say that the two are similar. Just as “*Ubad*” is when he would normally appreciate such work being done by his animal (if it was not a red heifer), so too (the writing of the word as) “*Avad*” here means that any such work that is done by it renders it invalid. (30a1 – 30a3)

Caring for Utensils

The *Mishnah* says: Silver and copper vessels, he should use etc.



The *Baraisa* states: If someone finds wooden vessels, he should use them in order that they should not rot. Copper vessels should be used with hot water but not on the fire, because fire makes them wear away. Silver vessels should be used with cold water but not hot water, as hot water makes them black. Pokers (*for fireplaces*) and axes should be used for relatively soft things, as otherwise they lose some of their mass. Golden and glass vessels should not be touched until Eliyahu ha'Navi arrives. Just as this was said regarding the finder of a lost object, it was also said regarding a deposited item.

The *Gemora* asks: What would such a deposited item be doing with him? [*Let him give it back to the owner so that he should use it!*]

Rav Ada bar Chama says in the name of Rav Sheishes: The case is where the owner of the item (deposited with him) went overseas. (30a3)

The *Mishnah* says that if one found a sack or box or any other item that he would not normally carry, he should not take it.

The *Gemora* asks: How do we know this (*that one does not have to pick up a lost object that he would not normally carry*)?

The *Baraisa* states: "*And you will look away.*" This teaches us that sometimes one looks away, and sometimes one cannot look away. What is the case? If a *Kohen* saw a lost object in the cemetery, or an elderly man saw an object that it was not honorable for him to carry, or if his work is more valuable than the lost object of his friend, this is why it says, "*And you will turn away from them.*"

The *Gemora* asks: Why is this verse necessary? If it is for the case of the *Kohen* seeing a lost object in a cemetery, it is obvious that he should not contaminate himself to

return it! One is a positive commandment ("*You shall surely return*") and one is a positive and negative commandment that he should not become tamei; these are clearly not pushed aside by the positive commandment to return the object. Additionally, we do not push aside prohibitions due to monetary loss!?

If you will say that the verse is needed for the case where his work is more valuable than his friend's object, this cannot be, for this is derived from a teaching of Rav Yehudah in the name of Rav. He taught: "*But there should not be amongst you a poor person.*" This teaches us that your possessions and money come before those of someone else.

Rather, it must be that this verse is the source for the law that an old person is not obligated to carry something that is not honorable for him to carry. (30a3 – 30b1)

Qualifying the Ruling

Rabbah says: If one hit it (*i.e. and animal, even one time*), he must return it.

Abaye was sitting before Rabbah. He saw some goats, and took a clump of earth and threw it at them. Rabbah said to him: You are now obligated to take them; go return them.

The *Gemora* inquires: If the person (an elderly man) would return such an object in the field but he would not do so in the city (as people would see him; thus causing him shame), what is the law (when he found it in the field but the owner lives in the city)? Do we say that we require a complete act of returning, and being that it is not his practice to return such objects in the city, he is not obligated to return them at all (*even though now they are in the field*)? Or do we say that in the field he is currently obligated, and once he is obligated in the field, he must also return them in the city? The *Gemora* leaves this question unresolved. (30b1)



Beyond the Letter of the Law

Rava says: Whatever he would return if it belonged to himself, he must also return for others. Whatever he would unload and load for himself, he must also do the same for others. [There is an argument among the Rishonim whether this leniency applies only to Torah scholars, or to anyone who it is beneath his honor to carry a certain item.]

Rabbi Yishmael the son of Rabbi Yosi was traveling on a road. He met up with someone who was carrying a load of wood. The person set his wood down, and got set to reorganize his load. He asked Rabbi Yishmael: "Please load the wood onto me." Rabbi Yishmael replied: "How much is the wood worth?" The man replied: "Half a zuz." Rabbi Yishmael proceeded to buy the wood off the man (so that he could avoid loading the load onto him, which was not an honorable thing for him to do). He gave him half a zuz, and then proceeded to declare the wood ownerless. The man reacquired the wood, and Rabbi Yishmael bought it from him again for another half of a zuz, and declared it ownerless again. When Rabbi Yishmael saw that the man was going to reacquire it a third time, he told him that he had declared it ownerless for everyone besides him.

The Gemora asks: Is it possible for something to be declared ownerless in this fashion? The Mishnah states: Beis Shammai says: Declaring something ownerless for the poor is valid. Beis Hillel says: It is not ownerless until it is available both for the poor and the rich like fruits of Shemita. [We always rule like Beis Hillel. This implies that one cannot make something ownerless yet exclude a certain party.]

The Gemora answers: Rather, Rabbi Yishmael had in fact made it ownerless for everyone. He merely said this to the person (so he should stop acting so cruelly towards him).

The Gemora asks: Wasn't Rabbi Yishmael an elder about whom the Torah says that he is not obligated to do this if it is not according to his honor?

The Gemora answers: Rabbi Yishmael the son of Rabbi Yosi was acting beyond the letter of the law. This is as Rav Yosef taught: "And you will inform them," this refers to teaching them how to make a living. "The way," refers to doing acts of kindness. "They will go," refers to visiting the sick. "In it," refers to burying the dead. "And the action," this refers to upholding the law. "That they will do," refers to going beyond the letter of the law. (30b1 – 30b2)

The Baraisa stated: "They will go," refers to visiting the sick. Isn't this included in visiting the sick?

The Gemora answers: This refers to visiting a *ben gilo* (literally: a person of his hour; someone born under the same astrological constellation as another). This is as the master stated: A *ben gilo* takes away one sixtieth of his *ben gilo's* sickness (and gets afflicted with that sickness), and even so, he must go visit him.

The Gemora continues: "In it," refers to burying the dead.

The Gemora asks: Isn't this included in visiting the sick?

The Gemora answers: This refers to an elderly man who it is not according to his honor to bury people, and that even so, he should do so.

"That they will do," refers to going beyond the letter of the law. This is as Rabbi Yochanan stated: Yerushalayim was destroyed because they judged according to Torah law.

The Gemora asks: What law should they have judged like - the law of the thugs!?

The *Gemora* answers: Rather, it means that they acted according to the strict letter of the law with each other, and did not go beyond the letter of the law. (30b3)

Mishnah

What is a lost object? If one finds a donkey or cow grazing on the road, this is not a lost object (for it is most likely that the owner left it there to graze). If he finds a donkey whose vessels are upside down or a cow running through the vineyard, this is a lost object (for it is most likely that the owner is unaware of its whereabouts). If he returned the animal and it ran away, and he again returned it and again it ran away, even if this happens four or five times, he must keep on returning it, as the verse states, “*You shall surely return.*” If when retrieving the lost article, he lost employment of one *sela*, he cannot say to the owner of the lost article, “Give me a *sela*,” but rather, he takes the wages of a worker (*the Gemora will explain what this means*). If there is a *Beis Din* present, he can make a condition before *Beis Din* (*that he should indeed receive his normal wages*). If no *Beis Din* is present, in front of whom can he make a condition? His wages come first. (30b3)

Lost Object

The *Gemora* asks: Are all other cases of lost objects not really lost objects? [*Why is the Mishnah saying that this specifically is a lost object?*]

Rav Yehudah answers: The *Mishnah* means to say a rule. What is the general description of a lost object that one must pick up? If he found a donkey or cow grazing on the road, this is not regarded as a lost object and he is not obligated to return it. If he finds a donkey whose vessels are upside down or a cow running through the vineyard, this is a lost object that he must return.

The *Gemora* asks: If he finds it (*i.e. cow on the road*) there always, it is never considered a lost object!?

Rav Yehudah in the name of Rav answers: Until three days it is not considered lost.

The *Gemora* asks: What is the case? If he finds it there at night, even for one hour - it should be considered lost! If he finds it there during the day, even for more than three days - it should not be considered lost (*as it is normal for it to go out to pasture alone*)!?

The *Gemora* answers: The case is where he saw it there before daybreak and when it was getting dark. If it happens for three days, we say that he must have forgotten it there, and he left. However, more than three days means that it is lost.

The *Gemora* cites a supporting *Baraisa*: If one finds a garment or a hatchet on a road, or a cow running among the vineyards it is lost property. [But if he finds] a garment at the side of a wall, or a hatchet at the side of a wall, or a cow grazing among the vineyards, it is not considered lost; yet [if he sees it] three consecutive days, it is lost. If one sees water overflowing [its banks] and proceeding [onwards], he must put up a wall before it. (30b4 – 31a1)

DAILY MASHAL

The Evil Eye

The *Gemora* states that one is forbidden to spread out a lost article that he is watching when he has guests because when the guests see the article being displayed, they may be envious and they will cast an evil eye on the article.

One must wonder why one should be concerned of someone else’s jealousy, especially if it is said: *and the rotting of the bones is jealousy*. Why should one be concerned that someone else’s envy will harm his belongings and property?



We find that the gentile prophet Balaam, when blessing the Jewish people, declared, *how good are your tents, Yaakov, your dwelling places, O Israel*. The *Gemora* states that Balaam saw that every Jewish tent was aligned in a way that no one could see inside his neighbors' tent. Besides for the issue of privacy, there was another dimension to this blessing. Balaam had an evil eye, and Balaam wished to curse the Jewish People with his influence. By casting an evil eye on a neighbor, one is essentially influencing his Jewish friend with the character of Balaam, and this is detrimental to one's well-being. For this reason one should avoid casting an evil eye on someone else, and one must also be careful to avoid allowing others to cast an evil eye on himself or on his possessions.

INSIGHTS TO THE DAF

Taking Away a Sixtieth

The *Gemora* (Nedarim 39b) asks: What is the case (*of the Mishnah that a person who cannot benefit someone can visit him when he is sick but only stand not sit*)? If it is that the possessions of the visitor are forbidden to the sick person, he should be able to sit as well!

The *Nidrei Zrizin* asks: Why should it be permitted to sit while he is visiting the sick? The *Gemora* below says that whoever visits the sick, takes away one sixtieth of his sickness. It emerges that he is providing him with a direct benefit, and this should be forbidden? And even according to the *Gemora's* conclusion that it is only by a person born under the same constellation, perhaps this is the case and by a Biblical uncertainty, we should rule stringently!

He answers that it is apparent from the *Mishnah* that we needn't concern ourselves that they were born under the same constellation, and furthermore, the *Mishnah* rules that a doctor may heal him a healing of the *nefesh*, so

certainly, a visit which takes away a sixtieth of his suffering, would be permitted.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: If someone was watching a lost article and it got lost or stolen, what is the *halachah*?

A: Rav says that he is exempt and Rav Yosef says that he is liable.

Q: Why does Rav Yosef consider someone watching a lost article as a paid watchman?

A: It is because he would not be obligated to give money to a poor man at the time that he is watching the lost article.

Q: Is one allowed to use money which he found?

A: No.